

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

ENRIQUE GOMEZ	§	
VS.	§	CIVIL ACTION NO. 9:13-CV-108
DIRECTOR, TDJC-CID	§	

MEMORANDUM OPINION AND ORDER

Petitioner Enrique Gomez, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

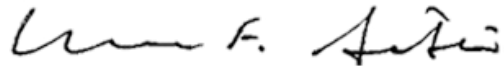
Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus either in the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

This court has jurisdiction because petitioner is confined at the Polunsky Unit, which is located in the Eastern District of Texas. Petitioner was convicted and sentenced in Tom Green County, which is located in the Northern District of Texas. Because petitioner challenges his conviction, the interests of justice would best be served by transferring the petition to the district where petitioner was convicted and sentenced. It is accordingly

ORDERED that this petition for writ of habeas corpus is **TRANSFERRED** to the San Angelo Division of the United States District Court for the Northern District of Texas.

SIGNED this 2 day of July, 2013.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE